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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,339	03/22/2004	Jae-Ryong Park	1572.1219	9003

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EXAMINER

SIMONE, TIMOTHY F

ART UNIT	PAPER NUMBER
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1761

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/805,339	Applicant(s) PARK ET AL.	
	Examiner Timothy F. Simone	Art Unit 1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007 and 29 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over 2002-0061409 (KR '409). The KR '409 reference discloses the claimed invention except for a first supporter having a non-cylindrical cross section and a second supporter having a non-cylindrical cross section, a first insertion limiting part having a diameter greater than that of the first engaging shaft and the first supporting shaft, and the first engaging shaft having a polygonal cross section. It would have been an obvious matter of design choice to have a first supporter having a non-cylindrical cross section and a second supporter having a non-cylindrical cross section, a first insertion limiting part having a diameter greater than that of the first engaging shaft and the first supporting shaft, and the first engaging shaft having a polygonal cross section, since applicant has not disclosed that having a first supporter having a non-cylindrical cross section and a second supporter having a non-cylindrical cross section, a first insertion limiting part having a diameter greater than that of the first engaging shaft and the first supporting shaft, and the first engaging shaft having a polygonal cross section solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over 2001-32188*(KR '188). The KR '188 reference discloses the claimed invention except for a first supporter having a non-cylindrical cross section and a second supporter having a non-cylindrical cross section, a first insertion limiting part having a diameter greater than that of the first engaging shaft and the first supporting shaft, and the first engaging shaft having a polygonal cross section. It would have been an obvious matter of design choice to have a first supporter having a non-cylindrical cross section and a second supporter having a non-cylindrical cross section, a first insertion limiting part having a diameter greater than that of the first engaging shaft and the first supporting shaft, and the first engaging shaft having a polygonal cross section, since applicant has not disclosed that having a first supporter having a non-cylindrical cross section and a second supporter having a non-cylindrical cross section, a first insertion limiting part having a diameter greater than that of the first engaging shaft and the first supporting shaft, and the first engaging shaft having a polygonal cross section solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well.

Response to Amendment

The Declaration under 37 CFR 1.132 filed March 26, 2007 is insufficient to overcome the rejection of claims 1-25 based upon the references applied under 35 USC 103 as set forth in the last Office action because:

It refers only to the system described in the above referenced application and not to the individual claims of the application. Thus, there is no showing that the objective

evidence of nonobviousness is commensurate in scope with the claims. See MPEP § 716.

It states that the claimed subject matter solved a problem that was long standing in the art. However, there is no showing that others of ordinary skill in the art were working on the problem and if so, for how long. In addition, there is no evidence that if persons skilled in the art who were presumably working on the problem knew of the teachings of the above cited references, they would still be unable to solve the problem. See MPEP § 716.04.

It includes statements which amount to an affirmation that the claimed subject matter functions as it was intended to function. This is not relevant to the issue of nonobviousness of the claimed subject matter and provides no objective evidence thereof. See MPEP § 716.

It includes statements which amount to an affirmation that the affiant has never seen the claimed subject matter before. This is not relevant to the issue of nonobviousness of the claimed subject matter and provides no objective evidence thereof. See MPEP § 716.


In view of the foregoing, when all of the evidence is considered, the totality of the rebuttal evidence of nonobviousness fails to outweigh the evidence of obviousness. In the declaration, it must be factual evidence which clearly establishes that there is a nexus between the claimed invention and the full scope thereof and the asserted commercial success. Not due merely to an expanded advertising campaign but is attributable to the features of the claimed invention. Evidence should show that based

upon the merits of the invention, other products have been replaced. Evidence must be commensurate in scope with the breadth of the claimed invention. See MPEP 716.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy F. Simone whose telephone number is 571-272-1407. The examiner can normally be reached on weekdays between 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 521-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy F. Simone
Primary Examiner
Art Unit 1761